

**BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
WEDNESDAY, JULY 11, 2012 – 6:30 P.M.  
CITY HALL CITY COMMISSION CHAMBERS – 1ST FLOOR  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA**

		Cumulative Attendance 6/2012 through 5/2013	
Board Members	Attendance	Present	Absent
Diana Waterous Centorino, Chair	P	2	0
Michael Madfis, Vice Chair	P	2	0
Caldwell Cooper	P	1	1
Karl Shallenberger	P	2	0
Henry Sniezek	P	2	0
Fred Stresau	P	2	0
Sharon A. Zamojski	P	2	0
<hr/>			
Alternates			
Roger Bond	P	2	0
Charlie Ladd	P	2	0
Birch Willey	P	2	0

**Staff**

Bob Dunckel, Assistant City Attorney  
Gail Jagessar, Administrative Aide  
Anthony Fajardo, Zoning Administrator  
B. Chiappetta, Recording Secretary, Prototype Inc.

**Communication to the City Commission**

None

**Purpose: Section 47-33.1.**

The Board of Adjustment shall receive and hear appeals in cases involving the ULDR, to hear applications for temporary nonconforming use permits, special exceptions and variances to the terms of the ULDR, and grant relief where authorized under the ULDR. The Board of Adjustment shall also hear, determine and decide appeals from reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the ULDR, as provided herein.

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**Call to Order**

Chair Centorino called the meeting to order at 6:30 p.m. She introduced Board members and determined a quorum was present.

**Approval of Minutes – June 2012**

The Board noted that Mr. Ladd had been present at the last meeting.

**Motion** made by Mr. Stresau, seconded by Mr. Madfis, to approve the minutes of the Board's June 2012 meeting as amended. In a voice vote, motion passed unanimously.

**Board members disclosed communications they had and site visits made regarding items on the agenda.**

**All individuals wishing to speak on the matters listed on tonight's agenda were sworn in.**

1.	<b><u>APPEAL NO. 12-16</u></b>	(deferred from April 11, 2012)	Index
<b>APPLICANT:</b>	Las Olas Harbor Club LLC		
<b>LEGAL:</b>	"Lauder del Mar", P.B. 7- 30B, Block 11, Lot 11		
<b>ZONING:</b>	IOA (Residential Single Family/Low Medium Density District)		
<b>STREET:</b>	1 N Birch Road		
<b>ADDRESS:</b>	Fort Lauderdale, FL		
<b>DISTRICT:</b>	4		

**APPEALING: Section 47-19.3 (Boat slips, docks, boat davits, hoist and similar mooring structures)**

Requesting a variance to allow use of five (5) existing permitted boat slips as an accessory use, without the existence of a principal building as the previous principal building has been removed where the code states that no boat slips, docks, boat davits, hoists, and similar mooring structures not including mooring or dolphin piles or a seawall, may be constructed by any owner of any lot unless a principal building exists on such lot and such lot abuts a waterway.

The applicant is also requesting that such variance be a limited term variance, which would permit use of the existing boat slips/docks without a principal structure until either a new principal structure is constructed, or until the applicant's development permit extension expires.

Courtney Crush, the applicant's attorney, withdrew the application.

**2. APPEAL NO. 12-22**

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**OWNER:** Victoria M. Brown  
**AGENT:** Joseph M. Thomas, AIA  
**LEGAL:** LOT 4-5, 6, 7, & 8, OF BLOCK 262 OF "PROGRESSO"  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT  
COUNTY, FLORIDA  
**ZONING:** RMM-25  
**STREET:** 835/841 NW 3<sup>rd</sup> Avenue  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 4

**APPEALING: Section 47-18.8.J (Dispersal Requirements)**

Requesting a variance to allow a Child Day Care Facility within a distance of one thousand four hundred and eighty-six (1,486) feet of another Child Day Care Facility where the code states that no child day care facility shall be located nor shall a child day care facility be enlarged, increased in licensed capacity as previously authorized by the state or expanded in any respect, nor converted from one (1) category of use to another, if located within one thousand five hundred (1,500) feet of any other child day care facility or any existing social service residential facility (SSRF), as described in Sec. 47-18.32, excluding level I SSRF located in a residential district.

Joe Thomas, the applicant's agent, stated the site was 1,486 feet from the nearest daycare center, 14 feet close than the required distance. He said there were almost 6,000 0 - 4-year olds in the community that could be served by the daycare center and only three other intermediate daycare centers in the same zip code.

Chair Centorino opened the public hearing.

J.J. Hankerson, Vice President of the Progresso Village Civic Association, said he opposed this request. He stated he would not want a daycare center next to his home. He explained that the Civic Association wanted the community to be safer and to comprise more single-family homes. He noted there was already another daycare center as well as four churches.

Mr. Madfis asked what was unsafe or threatening about a daycare center. Mr. Hankerson explained that drop-off traffic and children playing would create noise. He stated others on the Civic Association board opposed the idea as well. He said seven

or eight people had attended the meeting when this was discussed and he had sent an email to board members asking their opinions on this request.

Mr. Cooper said he was in Progresso Village every day and he felt building the daycare center would beautify the area and improve this lot that had been vacant for 10 years. Mr. Hankerson stated the board had discussed that issue and he reiterated that they wanted to concentrate on single-family homes and safety for the community.

Mr. Sniezek pointed out that the zoning allowed 25 units per acre on this lot, not single-family homes. Mr. Thomas added that people were not building single-family homes right now. He agreed the building would beautify the area.

Mr. Stresau recalled that the City Attorney had advised the Planning and Zoning Board several years ago that SSRF zoning must be included in the zoning of individual districts and they must ensure there was not an overabundance of SSRFs in any one zoning district. This was the origin of the 1,500-foot separation requirement. Mr. Stresau felt 14 feet was not a big deal.

Mr. Thomas informed Ms. Zamojski that the hours of operation would be 7 AM to 6 PM. He added that the architecture would allow the building to be used as a single-family or multifamily dwelling in the future.

Mr. Dunckel explained to the Board that this also required an approval for conditional use. The variance being requested would only apply to the 1,500-foot dispersal requirement. This must still go through the site plan process, in which neighbors could participate.

There being no other members of the public wishing to address the Board on this item, Chair Centorino closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Stresau, seconded by Mr. Madfis, to approve. In a roll call vote, motion passed 7-0.

**3. APPEAL NO. 12-23**

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**OWNER:** Las Olas Place II, LLC  
**AGENT:** Courtney Crush P.A.  
**LEGAL:** HIMMARSHEE PARK 1-20 B POR LOT 1 TO 5 DESC'D AS: COMM  
NE LOT 5, NW 105.65 TO POB, NW 86.86, W 195.36, SE 33.45, SE  
25.58, SE 41.02, SE 114.06, SE 88.03, SE 36.52, SE 28.22, NE  
10.61, NW 32.53, NW 34.80, NW 85.38, NW 64.29, E 12.91, N 1.67,  
E 2.50, S 1.58, E 3.34, SE LY 4.92, NE 19.17, SE 133.33, SW 2.08,  
SW 8.85, SE 7.35, NE 27.93, SE 20.67, NE 20.66, SE 1.33, NE 47.50,  
SE 5.67, NE 14.58, NW 5.67, NE 8, NW 8.25, NE 20.75, NW 76.41,

**NE 27.92, NELY 13.50 TO POB; AKA: COMMERCIAL AREA;  
HIMMARSHEE LANDING**

**ZONING: B-1  
STREET: 1200 East Las Olas Boulevard  
ADDRESS: Fort Lauderdale, FL  
DISTRICT: 4**

**APPEALING: Section 47-22.4.A.2 (Multiple Tenant Office Building)**

Requesting a variance to allow alternate building identification signage differing from the existing building identification sign (facing the frontage of Tarpon Drive) to be placed on one (1) ground sign and one (1) flat sign (both facing the frontage of Las Olas Boulevard) where the code states that any building which contains two (2) or more office tenants will be permitted one (1) building identification flat sign on each street frontage and only one (1) building identification ground sign.

Courtney Crush, the applicant's attorney, explained that the request had not included the location of the ground sign. She wished to proceed, with the understanding that the ground sign location could come back to the Board at a later date.

Ms. Crush showed aerial photos of the area and photos of the building. She stated her client, Fowler, White and Boggs was the anchor tenant in the building. Current code allowed three building identification signs. Currently there was one sign on the east façade. The request was to place a second building sign on the Las Olas façade reading "Fowler, White and Boggs." Ms. Crush noted that the office identification was important to the business.

Ms. Crush stated "building identification sign" was not defined in the Building Code but staff had indicated that prior interpretations had been that signs were limited to one business/copy versus different copy on different signs. This created a hardship for her client. She noted that the signage code was intended to allow reasonable advertising area and to eliminate conspicuous excess. It was not intended to regulate copy, but in specific districts it defined size, dimension and number. Her client wished a sign that contained different copy from that on the existing sign. She felt denying this signage to the major office tenant was contradictory to the code and was not contained in its intent and purpose; it was an outflow of the lack of a definition of the term "building identification sign."

Ms. Crush had communicated with the Colee Hammock Homeowners Association and provided them with the sign design, and Jackie Scott had indicated they did not need to take a position on the application. She presented email communication into the record.

Mr. Madfis agreed that this was an appropriate interpretation and request and he supported it.

Ms. Crush displayed a rendering showing what the sign would look like on the building. She said the sign would face Las Olas Boulevard.

Ms. Crush agreed the variance could be specific to this tenant. Mr. Dunckel confirmed with Ms. Crush that the applicant would waive for itself and its successors and assigns the right to attack such condition via appeal or collateral attack.

Chair Centorino opened the public hearing.

Birch Willey, speaking as a citizen, agreed he would want this signage if he were the applicant, but he felt the sign requested on the street level of Las Olas Boulevard was a mistake. He thought it could be better located eye-level on the building.

Ms. Crush could did offer an alternative. She said she was willing to discuss this further with her client if the Board had concerns. Mr. Madfis did not feel the Board should design the sign, but should vote on the design as proposed. He agreed with Mr. Willey that another location might be appropriate, but they should decide if the request was acceptable.

Ms. Crush stated the sign dimensions were 5.83' by 2.67'.

Chair Centorino asked if the applicant had considered another location for the sign on the building and Ms. Crush stated mounting the sign over the arches or on the building would make it another "wall sign" and this request was for a "building identification sign."

There being no other members of the public wishing to address the Board on this item, Chair Centorino closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Shallenberger, seconded by Mr. Madfis to approve. In a roll call vote, motion passed 6-1 with Chair Centorino opposed.

**4. APPEAL NO. 12-25**

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**OWNER:** 69<sup>th</sup> Street Properties, LP

**AGENT:** Scott Backman, Esq. – Siegel, Lipman, Dunay, Shepard \* Miskel, LLP

**LEGAL:** CORAL RIDGE ISLES 45-47 B PARCEL B LESS PT DESC'D AS, COMM AT SW COR OF LOT 2 BLK 39, ELY 107.72 TO POB, SLY 115, ELY 91 TO W R/W/L OF NE 18 AVE, NLY 136.5 M/L TO SE COR OF LOT 1 BLK 39, WLY TO POB & LESS PT DESC'D IN OR 8508/723; TOGETHER WITH LOTS 5 THRU 10 BLK 39

**ZONING:** CB

**STREET:** 5021 NE 18<sup>th</sup> Avenue  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 1

**APPEALING: Section 47-22.3.E.1 (Business zones)**

Requesting a variance to allow reconstruction of two existing freestanding signs at a height of twenty-six and one-half (26.5) feet on Commercial Boulevard and at a height of sixteen and one-half (16.5) feet on NE 18<sup>th</sup> Avenue where the code states that a detached, freestanding sign shall not exceed a height of ten (10) feet above the grade of the street closest to the sign.

**APPEALING: Section 47-22.3.P (Shopping center or strip store signs)**

Requesting a variance to allow occupants to occupy more space on the sign than any other occupant where the code states that such signs may bear the name of the shopping center or a directory of occupants, or a combination of the shopping center name and a directory of occupants. No occupant may occupy more space on the sign than any other occupant.

Beth Edwards, the applicant's representative, explained that this corner space had been very difficult to lease. Ms. Edwards gave a Power Point presentation, a copy of which is attached to these minutes for the public record.

Ms. Edwards stated the site had poor visibility from Commercial Boulevard. She displayed the proposed signage to be located on the southwest entrance and explained that the additional height was needed to achieve visibility.

Mr. Madfis was not certain that additional height was an appropriate solution to the visibility problem.

Ms. Edwards stated they had not met with nearby neighborhood representatives but notice had been properly sent out.

Mr. Stresau stated he would not consider a sign that was almost three stories tall. He feared this would set a precedent for all other businesses in the area. Chair Centorino agreed and said Commercial Boulevard already was a "cluttered mess" and this signage would not be in the best interest of the City.

Chair Centorino opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Centorino closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Stresau, seconded by Ms. Zamojski to approve the application.

Mr. Shallenberger advised Ms. Edwards to consider separating the requests. Ms. Edwards stated she would be willing to separate them. She said she had advised her client that the sign was very large but her client wished the request to proceed. She offered to show the Board an alternative sign design.

Mr. Shallenberger suggested the Board vote on the second request.

Mr. Dunckel advised Ms. Edwards that if the Board denied the request, they were barred from returning for two years. Ms. Edwards requested tabling the first request to allow them time to redesign the sign.

**Motion** made by Mr. Madfis, seconded by Mr. Cooper to table the request. In a roll call vote, motion passed 7-0.

**Communication to the City Commission**  
None.

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**Report and for the Good of the City**

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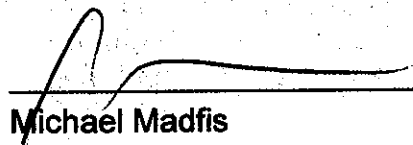
Mr. Stresau stated the sign on the Chase bank building in Bal Harbor Shops was "probably the neatest piece of design that I've ever seen in the City of Fort Lauderdale." He said the name was on the building in white and the building side was lighted in bright blue to set off the name.

There being no further business to come before the Board, the meeting was adjourned at 7:42 pm.

Handouts/Documents:

Email from Jackie Scott of the Colee Hammock Homeowners Association regarding Appeal 12-23

Vice Chair:

  
Michael Madfis

Attest:

  
ProtoType Inc.